

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERTO SAENZ,

Case No. 2:19-CV-275 JCM (GWF)

Plaintiff(s),

ORDER

V.

STEADFAST INSURANCE COMPANY,

Defendant(s).

Presently before the court is defendants Lyft, Inc. (“Lyft”) and Steadfast Insurance Company’s (“Steadfast”) (collectively, “defendants”) first motion to dismiss. (ECF No. 4). Also before the court is defendants’ second motion to dismiss. (ECF No. 10).

The court denies both motions as moot. Defendants' first motion to dismiss was rendered moot by plaintiff Roberto Saenz's ("plaintiff") filing the first amended complaint on February 28, 2019. *See* (ECF No. 8). Accordingly, defendant's first motion to dismiss is denied. (ECF No. 10).

Similarly, defendants' second motion to dismiss must be denied as moot. (ECF No. 10). Defendant's motion requests dismissal of plaintiff's claims against Lyft pursuant to Federal Rule of Civil Procedure 12(b)(6). *See* (ECF No. 10). However, Lyft has already been dismissed from this action pursuant to a stipulation filed by the parties on April 15, 2019. (ECF No. 13); *see also* (ECF No. 14). The court thus denies as moot defendant's second motion to dismiss.

Accordingly,

IT IS ORDERED THAT defendants' first motion to dismiss (ECF No. 4) be, and the same hereby is, DENIED as moot.

IT IS FURTHER ORDERED THAT defendants' second motion to dismiss (ECF No. 10) be, and the same hereby is, DENIED as moot.

3 | IT IS SO ORDERED.

4 DATED May 2, 2019.

Xelius C. Mahan
UNITED STATES DISTRICT JUDGE